IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 2683 of 1998

Between:

Jami Ravi Kumar S/o Jami Krishna
Veeraghattam, Srikakulam District.

..... PETITIONER

AND

1 Regional Transport Officer & Secretary, Ragional Transport Authorirty, Srikakulam, Srikakulam District.
2 Transport Commissioner Andhra Pradesh, Hyderabad.
3 Joint Transport Commissioner & Secretary, State Transport Authority Hyderabad Andhra Pradesh.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or direction, declaring the action of the 1st Respondent in not registering the New Vehicle bearing Chasis No.386 040 ESQ 816327 and Engine No.497 D21 ESQ 757649 as a Maxi Cab with a seating capacity of 13 in all as illegal, arbitrary and contrary to law and further direct the 1st Respondent herein to register the said vehicle as a Maxi Cab and permit the Petitioner to operate the said vehicle under All Andhra Contract Carraige Maxi Cab by assigning Registration Mark, not withstanding with Memo No.666/A1/98, Dt: 24-1-98 issued by him while directing the 3rd Respondent herein to issue All Andhra Contract Carraige Maxi Cab Permit to the said Vehicle forthwith.

Counsel for the Petitioner: MR.V.NARASIMHA REDDY

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following :

ORDER:

By this writ petition, the petitioner seeks to declare the action of the first respondent in not registering the New Vehicle bearing Chasis No.386 040 ESQ 816327 and Engine No.497 D21 ESQ 757649 as a Maxi Cab with a seating capacity of 13 in all, as illegal and arbitrary, and to direct the first respondent to register the said vehicle as a Maxi Cab notwithstanding the Memo No.666/A1/98, dated 24-1-1998 issued by the first respondent rejecting registration of the said vehicle on the ground that the seating capacity arranged in the vehicle is 13 in all which is not even the minimum prescribed i.e. 30 in all, thereby causing loss of revenue to the State.

It is submitted by the learned Government Pleader for Transport and admitted to by the learned counsel for the petitioner that the subject matter of this writ petition is squarely covered by a Division Bench judgment of this Court in **O. Gangadhar v. Transport Commissioner, A.P.**, wherein it was held as follows:

> "….As could be seen from the scheme of the Act and the Rules made thereunder in a given case, the Transport Authorities while granting stage carriage or contract carriage permits, keeping in view the route of journey viz., hill stations, fair weather routes etc., a condition may be imposed in the permit to carry certain maximum number of passengers. Merely because the form of permit is provided with a column of 'number of passengers seats', it cannot be said that the owners of the vehicles have a right to get the alteration of seating capacity by removing some seats…."

Following the above judgment, this writ petition is also dismissed for the same and similar reasons. No costs.

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N.V. RAMANA, J

Date: 04-03-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Regional Transport Officer & Secretary, Ragional Transport Authorirty, Srikakulam, Srikakulam District.
2 The Transport Commissioner Andhra Pradesh, Hyderabad.
3 The Joint Transport Commissioner & Secretary, State Transport Authority Hyderabad Andhra Pradesh.

4 Two CCs. to the Government Pleader for Transport, High Court Buildings, A.P., Hyderabad (OUT).

5 Two CD copies

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